



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,463	08/14/2001	Francois Bourdoncle	6633-83488	9060

7590

10/24/2003

Welsh & Katz, Ltd.
Eric D. Cohen
22nd Floor
120 South Riverside Plaza
Chicago, IL 60606

EXAMINER

VEILLARD, JACQUES

ART UNIT

PAPER NUMBER

2175

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,463

Applicant(s)

BOURDONCLE ET AL.

Examiner

Jacques Veillard

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the Applicant's amendment filed on 7/28/2003.
2. Claims 1, 6, 15, 28, and 31 have been amended.
3. Claims 1-42 are pending and presented for examination.
4. Claims 1, 15, 28, and 31 are the independent claims. Other claims are the dependent.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 15, 28, and 31 filed on 7/28/2003 (Paper No. 7) have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ron Weiss et al. And hereinafter "Ron Weiss" (Hypursuit: A Hierarchical Network Search Engine that Exploits Content-Link Hypertext Clustering) in view of Wesinger, Jr. et al.(U. S. Pat No. 5,778,367, hereinafter Wesinger).

As per claim 1, Ron Weiss teaches a process called Hypursuit which is a new hierarchical network search engine for searching a database of entries (See Abstract page 180 left column), comprising the steps of: providing a database of entries, at least part of said entries being mapped to a set of categories, at least part of said entries being associated with keywords; (See bottom of

Art Unit: 2175

page 180 left column) Applicant should note that Ron Weiss recognizes that the World-Wide-Web is a distributed database wherein database of entries associated with keywords are primarily incorporated. In particular, Ron Weiss discloses in response to a first query of a user the step of selecting categories among said set of categories according to the entries returned by said query (See page 186 right column especially clustering result sets paragraph); dynamically selecting keywords associated to the entries returned by said query (See page 186 right column query refinement paragraph); and displaying to the user said selected categories and said selected keywords (See Fig.6, page 186 left column and information retrieval services and query routing paragraphs).

Ron Weis does not explicitly teach the process wherein, in response to the user, activating one of said displayed categories and said displayed keywords, starting a second query refining the first inquiry.

Wesinger, in the same endeavor, teaches an automated on-line information service and directory particularly to services world wide web (See the Title and the abstract). Similarly, the on-line services taught by Wesinger include the features of: in response to the user, activating one of said displayed categories and said displayed keywords, starting a second query refining the first inquiry (See col.3, lines 1-4, col.4, lines 25-67, col.5, line 41 through col.6, line 33, and col.8, lines 31-41).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to combine the teachings of Weis with the teachings of Wesinger because Wesinger provides an on-line information service wherein users can search a database and then select the corresponding entry or may be retrieve directly by URL which is display to the user as a second search based on the first inquiry and display the results of a category or keyword search to the user.

As per claims 15, 28, and 31, the claims have substantially the same limitations as claim 1. These limitations have already been addressed in the discussion of claim 1 above. Therefore, they are rejected in similar grounds corresponding to the arguments given above for rejected claim 1.

As per claim 2, Ron Weiss discloses the claimed invention, wherein the categories are organized in a tree or directed acyclic graph structure (See Fig.2, page 182 left column third paragraph and right column first and second paragraphs, and Fig.3, page 184 left column second and third paragraphs).

As per claims 16 and 32, the claims have substantially the same limitations as claim 2. These limitations have already been addressed in the discussion of claim 2 above. Therefore, they are rejected in similar ground.

As per claim 3, Ron Weiss discloses the claimed invention, wherein the keyword is a sequence of words or a sequence of stemmed words (See Fig.7, and page 187 left column "result set expansion" paragraph).

As per claims 17 and 33, the claims have substantially the same limitations as claim 3. These limitations have already been addressed in the discussion of claim 3 above. Therefore, they are rejected in similar ground.

As per claim 4, Ron Weiss discloses the claimed invention, wherein the selected categories and selected keywords are displayed similarly (See Figs.6 and 7, and page 186 right column second paragraph, and page 187 left column second paragraph).

As per claims 18, and 34, the claims have substantially the same limitations as claim 4. These limitations have already been addressed in the discussion of claim 4 above. Therefore, they are rejected in similar ground.

As per claim 5, Ron Weiss discloses the claimed invention, wherein the selected categories are displayed separately from selected keywords (See Fig. 6 and 7, and page 186 left column second paragraph, and page 187 left column second paragraph).

As per claims 19 and 35, the claims have substantially the same limitations as claim 5. These limitations have already been addressed in the discussion of claim 5 above. Therefore, they are rejected in similar ground.

As per claim 6, the combination of Ron Weiss and Wesinger, as modified, teaches the claimed invention, further including that step of starting a new query when a user activates one of said displayed categories and keywords (See Wesinger's col.10, lines 61-67 and col.11, line 1 through col.12, line 15).

As per claims 20 and 36, the claims have substantially the same limitations as claim 6. These limitations have already been addressed in the discussion of claim 6 above. Therefore, they are rejected in similar ground.

As per claim 7, Ron Weiss discloses the claimed invention, wherein the step of activating includes excluding from the said query of the user a displayed category or keyword (See 180 right column second paragraph)..

As per claims 21 and 37, the claims have substantially the same limitations as claim 7. These limitations have already been addressed in the discussion of claim 7 above. Therefore, they are rejected in similar ground.

As per claim 8, Ron Weiss discloses the claimed invention, wherein the step of activating includes refining the query of the user to said category or keyword (See Fig.6, page 185 left column bottom of third paragraph, and page 186 right column fourth paragraph).

As per claims 22 and 38, the claims have substantially the same limitations as claim 8. These limitations have already been addressed in the discussion of claim 8 above. Therefore, they are rejected in similar ground.

As per claim 9, Ron Weiss discloses the claimed invention, further including displaying to the user a list of entries returned by the query (See Figs.6 and 7, and page 186 bottom left column and page 187 right column first paragraph).

As per claims 23 and 39, the claims have substantially the same limitations as claim 9. These limitations have already been addressed in the discussion of claim 9 above. Therefore, they are rejected in similar ground.

As per claim 10, Ron Weiss discloses the claimed invention, further including displaying in said list a category to which at least an entry of said list is mapped (See Figs. 6 and 7, and page 187 left column third paragraph).

As per claims 24 and 40, the claims have substantially the same limitations as claim 10. These limitations have already been addressed in the discussion of claim 10 above. Therefore, they are rejected in similar ground.

As per claim 11, Ron Weiss discloses the claimed invention, further including displaying the entries included in a category when the user selects said category in said list (See Figs.6 and 7 at page 186 left column and page 187 right column).

As per claims 25 and 41, the claims have substantially the same limitations as claim 11. These limitations have already been addressed in the discussion of claim 11 above. Therefore, they are rejected in similar ground.

As per claim 12, Ron Weiss discloses the claimed invention, further including ranking the entries included in said category before they are displayed (See page 183 right column second paragraph)..

As per claims 26 and 42, the claims have substantially the same limitations as claim 12. These limitations have already been addressed in the discussion of claim 12 above. Therefore, they are rejected in similar ground.

As per claim 13, Ron Weiss discloses the claimed invention, wherein categories are hierarchically organized, and wherein the step of displaying includes displaying categories of different hierarchical levels (See Figs 2 and 3, and page 183 right column fourth paragraph).

As per claim 14, Ron Weiss discloses the claimed invention, wherein a category is

formed of a set of at least two attributes (See Fig.5).

As per claim 27, the claim has substantially the same limitations as claim 14. These limitations have already been addressed in the discussion of claim 14 above. Therefore, it is rejected in similar ground.

As per claims 29 and 30, Ron Weiss discloses the claimed invention, wherein the search server is a HTTP server; wherein the entries are textual entries and the database includes an inverted index, said categories being entries of said inverted index (See page 190 left column third paragraph, and page 192 left column first paragraph).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Other Prior Art Made of Record

- | | | |
|----|---------------------|-------------------------------|
| 9. | Frauenholfer et al. | U. S. Pat. No. 6,236,991, |
| | Anderson et al. | U. S. Pat. No. 6,510,434, and |
| | Ryan et al. | U. S. Pat. No. 6,421,675. |

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any response to this action should be mail to:

Commissioner of Patent and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 746-7239 (for formal communication intended for entry)

Or:

(703) 746-7240 (for informal of draft communications, please label

“PROPOSED” or “DRAFT”)

Hand - delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA, Fourth Floor Lobby (Receptionist Telephone No. (703) 305-3900)

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (703) 305-7094. The examiner can normally be reached Monday through Friday from 9:30 AM to 4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on (703) 305-3830. The fax phone number for this group is (703) 308-5403.

Application/Control Number: 09/929,463
Art Unit: 2175

Page 10

Charles Rones
CHARLES RONES
PRIMARY EXAMINER

Jacques Veillard

Jacques Veillard
Patent Examiner TC 2100

October 6, 2003